

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
NO: 2:10-CR-00057-BR

UNITED STATES OF AMERICA

v.

LINDALEA SINGLETON

Defendant

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ORDER

This matter is before the court on the government's "appeal" of Magistrate William A. Webb's 11 March 2011 order, granting defendant's motion for disclosure of the identity of, and additional information relating to, the confidential informant. Defendant has filed a response to the government's appeal.

Because the pretrial matter involved is not one excepted in 28 U.S.C. § 636(b)(1)(A), the court reviews Judge Webb's decision under the "clearly erroneous" or "contrary to law" standard. See 28 U.S.C. § 636(b)(1). It is significant to note that the government does not dispute the facts as set forth in Judge Webb's order, namely that the confidential informant was an active participant in the transactions which are the subject of the charges against defendant and that the poor quality of the audio and video recordings of the transactions (which the government has provided to defendant and which include the informant and defendant) limits the usefulness of the recordings to the defense. In addition, the government does not take issue with the law on which Judge Webb relied. Rather, the government simply challenges the conclusion Judge Webb drew from applying that law to these facts.

Even considering the belatedly advanced contention of the government that the informant is being used in other investigations in the same locale and that disclosure of the informant's

identity would compromise those other investigations and would frustrate the public interest in protecting the flow of information, the court finds that Judge Webb's 11 March 2011 decision is neither clearly erroneous nor contrary to law and the government's appeal, or request for reconsideration, is DENIED.

This 11 April 2011.



W. Earl Britt
Senior U.S. District Judge